

MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION

May 22, 2007

9:30 AM

OPEN SESSION

1. CALL TO ORDER - The meeting of the Board of Technical Registration was called to order at 9:33 a.m. by Chairman Stuart Lane.
2. ROLL CALL - Board Members in Attendance: Stuart Lane, Richard Pawelko, Chet Pearson, Robert Roos, Susan Schaefer Kliman, Sheila Bowen (not in attendance for Agenda Items 1 through 4) and Dawn Garcia (not in attendance for Agenda Items 1 through 4). Absent: Ronald Starling and Joy Lyndes. Board Staff: Ronald Dalrymple, Lavern Douglas, Kathryn Fuller, Julie Ruff, Lisa Lawhorn, and Manuel Maltos. Assistant Attorney General: Terrie Sanders.
3. CALL TO THE PUBLIC – No members of the public spoke.
4. ADOPTION OF MINUTES – Mr. Pawelko moved to approve the April 24, 2007 minutes. Dr. Schaefer Kliman seconded. Motion Carried.
5. ENFORCEMENT MATTERS
  - A. Proposed Letter of Concern
    1. M07-021, Scott Hildebrand, Architect #32016 – Mr. Pawelko moved to issue a Letter of Concern. The Respondent submitted drawings to the City of Phoenix for review that were incomplete and did not meet the technical knowledge and skill that would be applied by other qualified registrants who practice the same profession in the same area and at the same time. Additionally, Respondent failed to date and sign his seal on the plans. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.
  - B. Proposed Consent Agreements
    1. Frank E. Junkar, Nonregistrant, and A1 Alta Land Surveyors & Engineers 1a: M06-086, 1b: M06-057, and 1c: M06-072 (Consolidated Consent Agreement) – Mr. Lane moved to accept the Respondent's signed consent agreement. Ms. Garcia seconded. Mr. Roos recommended modification of Respondent's signed consent agreement dated April 23, 2007. Mr. Lane and Ms. Garcia agreed to the amended motion. After discussion, Motion Carried.
    2. M06-158, Anthony N. Zaugg, R.L.S. #41076 – Mr. Lane moved to accept the Respondent's signed consent agreement encompassing the following Order: Letter of Reprimand; Professional Education: Respondent shall take and successfully complete six (6) credit hours of professional surveying courses; Cost of Investigation: Pay cost of investigation in the amount of \$435.00. Ms. Garcia seconded. After discussion, Motion Carried.

3. M07-044, Vernon Q. Jones, R.L.S. #06851 – Mr. Lane moved to accept the Respondent's signed consent agreement encompassing the following Order: Professional Education: Respondent shall take and successfully complete six (6) credit hours of professional surveying courses; Cost of Investigation: Pay cost of investigation in the amount of \$185.00. Mr. Pearson seconded. After discussion, Motion Carried.

4. M07-065, Stanford L. Brody, Nonregistrant – Mr. Pawelko moved to accept the Respondent's signed consent agreement encompassing the following Order: Assurance of Discontinuance: Respondent shall not practice, offer to practice, or by any implication hold himself out as qualified to practice engineering; Civil Penalty: Pay a civil penalty in the amount of \$5,000.00; Cost of Investigation: Pay cost of investigation in the amount of \$200.00. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

C. Review and Consideration for Violation of A.R.S. §32-128(C)(2)

1. M07-096, Joseph A. O'Brien, R.L.S. #35317 P.E. (Civil) #17927 – Mr. Lane moved for dismissal with no further action. Ms. Garcia seconded. After discussion, Motion Carried.

D. Proposed Enforcement Advisory Committee Candidates

1. Jeffrey N. Bryan, P.E. (Environmental) #41026
2. Frank A. Costello, P.E. (Civil) #19397
3. James C. Tate, P.E. (Civil) #41217 and P.E. (Mining) #34625

Mr. Pawelko moved to accept Messer's Bryan, Costello and Tate as Enforcement Advisory Committee Members. Ms. Garcia seconded. After discussion, Motion Carried.

6. **Review, Consideration & Possible Vote on the following:**

HOME INSPECTOR ENFORCEMENT MATTERS

A. Proposed Letters of Concern

1. Edward P. Fifer, Certified Home Inspector, #38566 – Mr. Pawelko moved to issue a Letter of Concern. Mr. Roos seconded. After discussion, Motion Carried.
2. Kirt D. Klingerman, Certified Home Inspector #38968 – Mr. Pawelko moved to issue a Letter of Reprimand. Ms. Garcia seconded. After discussion, Motion Carried.

B. Proposed Consent Agreement

1. Brent S. Ruttle, Certified Home Inspector #41248 – Mr. Pawelko moved to accept the Respondent's signed consent agreement encompassing the following Order: Letter of Reprimand; Open Book Test of the Board's Statutes and Rules; and Cost of Investigation: Pay cost of investigation in the amount of \$200.00. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

**7. Review, Consideration & Possible Vote on the following:**

**EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION**

1. John Gleason, (Civil) #070337 – Ms. Bowen moved to approve. Mr. Roos second. After discussion, Motion Carried. (Mr. Pearson voted Nay).

2. Monte Post, (Civil) #061836 – Ms. Bowen moved to approve. Dr. Schaefer Kliman seconded. After discussion, Motion Failed. (Dr. Schaefer Kliman voted Yes).

**8. Review, Consideration & Possible Vote on the following:**

**EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION (LIST AVAILABLE AT BOARD OFFICE)**

1. Granting of professional or in-training registration.
2. Approval to sit for the professional or in-training examination.
3. Recommendation for denial of professional or in training examination.

Mr. Lane moved to accept the committee and staff recommendations listed in items 8.1 through 8.3. Ms. Garcia seconded. Motion Carried.

**9. Review, Consideration & Possible Vote on the following:**

**RULES & STANDARDS COMMITTEE OPEN SEAT**

Mr. Dalrymple notified the Board that there is an open seat on the Rules and Standards Committee.

**10. Review, Consideration & Possible Vote on the following:**

**RULE R4-30-304 - SEALING OF LETTERS**

**RULE R4-30-304 - SEAL EXPIRATION**

Mr. Pawelko moved to approve the language for the new rule package. Ms. Bowen seconded. After discussion, Motion Carried.

**11. Review, Consideration & Possible Vote on the following:**

**REPORTING OF COST OF DRUG LAB CLEANUP TO THE BOARD OF TECHNICAL REGISTRATION BY DRUG LAB CLEAN-UP FIRMS**

Mr. Jeff Kary, (Drug Lab On-Site Worker) #41596, owner of Kary Environmental, addressed the Board regarding letters from the Board about the cost of drug lab remediation for homeowners. Mr. Kary stated that he did not feel it was necessary to provide the Board with the requested information. After discussion, Mr. Dalrymple requested the Board open a rule package requiring drug lab remediation firms to disclose the cost of remediation to the Board. Dr. Schafer Kliman moved to send the matter to the Legislative and Rules Committee to open a new rule package requiring that drug lab firms disclose the cost for drug lab site remediation. Ms. Garcia seconded. After further discussion, Motion Carried.

12. DIRECTOR'S REPORT

Rule Package Status Report:

R4-30-101(A)(7) Design Team and R4-30-304(C) Use of Seals are scheduled to become effective on May 31, 2007.

Rule R4-30-304 – Sealing of Letters

Rule R4-30-304 – Seal Expiration

These rules were presented to the Board for discussion and action at the April 24, 2007 meeting. Staff is currently working with GRRC to make some necessary modifications to the proposed rule so that it can be sent to the Secretary of State's Office for publication.

Meth Lab Program:

Channel 15 produced an investigative report on the problem of unremediated property. The Board and the Arizona Rangers were treated fairly in the report. The focus of the investigative report is on the property owners who hire unlicensed firms to perform remediations.

Budget 2008 – 2009:

Budget hearings have been completed. The Board asked for two additional people for the home inspector program and two additional people for the drug lab program. The JLBC recommendation to the joint legislative appropriation committee was for one additional person for the home inspector program.

Mr. Dalrymple asked for the Board to be removed from the consent agenda in order to make a presentation for the need for the remaining three positions at a public hearing before the full appropriation committee. On February 21, 2007 Mr. Dalrymple spoke before the appropriation committee and the committee recommended that all four positions be included in the Board's budget. These changes have been incorporated into the state appropriation bill. There normally would be no changes to an appropriation recommendation after it is included in the main appropriation bill.

The appropriation bill has not been approved by the legislature as of May 22, 2007.

13. BOARD CHAIR'S REPORT – None.


14. FUTURE BOARD MEETINGS – Tuesday, June 26, 2007

17. FUTURE AGENDA ITEMS

18. ADJOURNMENT – Mr. Pawelko moved to adjourn. The meeting adjourned at 11:15 a.m.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

  
Stuart Lane, Chairman

  
Ronald W. Dalrymple, Executive Director

**BOARD OF TECHNICAL REGISTRATION**  
**BOARD/COMMITTEE MEETING – SIGN IN SHEET**

If you wish to address the Board or Committee, please sign below. Otherwise, sign-in is voluntary.

Name (Please Print)	Affiliation	Subject
1. <u>JEFF KARY</u>	<u>IKES</u>	<u>Drug CDs</u>
2. _____	_____	_____
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If you wish to address the Board or Committee, please sign below. Otherwise, sign-in is voluntary.

Name (Please Print)	Affiliation	Subject
1. <u>Sgt H. H. H. H.</u>	<u>ALLIANCE</u>	<u>MO7-021 (SAI)</u>
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Name (Please Print)	Affiliation	Subject
1. Joseph A. O'Brien	CoE Van 100	Leicence (SC)
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Name (Please Print)	Affiliation	Subject
1. Edward Fifer	Desert st. home inspts.	Hearing 6A1
* 2. Vernon Jones	Vernon Jones Lead Supervisor	Hearing 5B3
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